

Message Text

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PAGE 01 NAIROB 06626 061607Z

44

ACTION OPIC-12

INFO OCT-01 AF-10 ISO-00 EB-11 COME-00 OMB-01 TRSE-00

ABF-01 L-03 /039 W

----- 112076

R 061345Z AUG 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 8495

INFO AMEMBASSY ROME

UNCLAS NAIROBI 6626

E. O. 11652: N/A

TAGS: EFIN, OPIC, KE

SUBJ: ATWELL DEVELOPMENT COMPANY OPIC CLAIM

REF: NAIROBI 6403

STATE 169238

1. EMBASSY TODAY (AUG. 6) RECEIVED CHECK FROM ATWELL'S BANK IN AMOUNT KENYA SHILLINGS 405,335.95 (FOUR HUNDRED FIVE THOUSAND THREE HUNDRED THIRTY-FIVE SHILLINGS AND NINETY-FIVE CENTS). DOCUMENTS NECESSARY FOR TRANSFER OF DOLLARS TO OPIC WERE SENT TO USDO PARIS TODAY AND SHOULD BE IN USDO HANDS THURSDAY AUGUST 8. USDO WILL NOTIFY OPIC WHEN DEPOSIT MADE TO OPIC'S ACCOUNT.

2. REFERENCE RATE OF EXCHANGE, WHICH INCLUDES ALL CHARGES AND EXPENSES, ON JUNE 3, 1974 WAS KENYA SHILLINGS 7.1763 PER U.S. DOLLAR. SAME RATE PREVAILS TODAY AND, ASSUMING NO REVALUATION OF SHILLING EXCHANGE RATE, WILL BE IN EFFECT WHEN USDO RECEIVES FUNDS. WE WILL NOTIFY OPIC BY IMMEDIATE TELEGRAM IF UNEXPECTED REVALUATION OCCURS.

3. IN LETTER TO AMBASSADOR FROM GOVERNOR CENTRAL BANK, GOK CITES ITS INTERPRETATION OF OPIC TREATY THAT WHEN FUNDS TRANSFERRED TO U.S.G., THEY WOULD REMAIN UNDER SAME STATUS AS WHEN HELD BY AMERICAN INVESTOR, OR IN UNCLASSIFIED

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THIS CASE IN A BLOCKED ACCOUNT. GOVERNOR CONTINUES IN

HIS LETTER, "HOWEVER, IN RECOGNITION OF THE LARGE SUMS OF MONEY YOUR GOVERNMENT SPENDS IN KENYA AND THE VERY CORDIAL RELATIONS...BETWEEN OUR TWO COUNTRIES, I HAVE DECIDED TO AUTHORIZE EXCEPTIONALLY THE TRANSFER OF THE FUNDS TO YOUR EXTERNAL SHILLING ACCOUNT."

4. RATHER THAN CHALLENGE GOK INTERPRETATION IMMEDIATELY AND RISK FURTHER DELAYS IN ATWELL'S INCONVERTIBILITY CLAIM, DELAYS WHICH COULD CHANGE NATURE OF CLAIM FROM INCONVERTIBILITY TO EXPROPRIATION, WE ACCEPTED FUNDS WITHOUT COMMENT BUT FEEL GOK INTERPRETATION CANNOT BE ALLOWED STAND WITHOUT CLARIFICATION.

5. FULL DISCUSSION GOK INTERPRETATION AND EMBASSY REQUEST FOR OPIC ADVICE ON FORM OF CLARIFICATION TO FOLLOW BY SEPTTEL.

6. EMBASSY WILL SEND TO OPIC FOR ITS FILES, DOCUMENTS ON ATWELL CASE WHICH OPIC DOES NOT HAVE.
MARSHALL

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BANK ACCOUNTS, DEBTS, INDEMNIFICATION, FOREIGN EXCHANGE RATES
Control Number: n/a
Copy: SINGLE
Draft Date: 06 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974NAIROB06626
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740214-0772
From: NAIROBI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740871/aaaacite.tel
Line Count: 80
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OPIC
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: NAIROBI 6403
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 20 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 JUN 2002 by reddocgw>; APPROVED <22 JAN 2003 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ATWELL DEVELOPMENT COMPANY OPIC CLAIM
TAGS: EFIN, KE, OPIC
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005